

\*\* E-filed December 1, 2009 \*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**IT IS HEREBY STIPULATED** by and between Plaintiff KAY POWELL (“Plaintiff”), on the one hand, and Defendant CHRIS’ FISHING TRIPS, INC. erroneously sued as Chris’ Whale Watching Tours, Inc. (“Defendant”), on the other hand, through their respective attorneys of record, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1) and (2), that this Court shall enter a dismissal with prejudice of all Defendants from Plaintiff’s Complaint, Case No. CV08-3929-HRL.

The parties consent to have United States Magistrate Judge Howard R. Lloyd conduct any and all further proceedings related to the enforcement of the Settlement Agreement that has been reached between the parties. The Magistrate Judge shall retain jurisdiction over all disputes between and among the parties arising out of the Settlement Agreement, including, but not

1 limited to, interpretation and enforcement of the terms of the Settlement Agreement.

2 **IT IS SO STIPULATED:**

3 Dated: November 30th, 2009

**DOYLE RAIZNER, LLP**

5 By: s/ Jeffrey Raizner

6 Jeffrey Raizner, Esq.

7 Attorneys for Plaintiff KAY POWELL

8 Dated: November 30, 2009

**GORDON & REES, LLP**

10 By: s/ Jan K. Buddingh, Jr.

11 Russell P. Brown

12 Jan K. Buddingh, Jr.

13 Attorneys for Defendant CHRIS' FISHING  
TRIPS, INC.

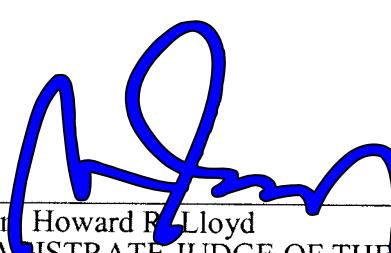
14 **ORDER**

15 **IT IS ORDERED THAT** Defendant CHRIS FISHING TRIPS, INC. erroneously sued as  
16 Chris' Whale Watching Tours, Inc. is dismissed with prejudice from Plaintiff's Complaint, Case  
17 No. CV08-3929-HRL. As such, said Complaint is dismissed in its entirety with prejudice.

18 Magistrate Judge Howard R. Lloyd shall retain jurisdiction over all disputes between the  
19 parties arising out of the Settlement Agreement, including but not limited to interpretation and  
20 enforcement of the terms of the Settlement Agreement.

21 **IT IS SO ORDERED.**

22 Dated: December 1, 2009

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Howard R. Lloyd  
25 MAGISTRATE JUDGE OF THE U.S. DISTRICT  
26 COURT  
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